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8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 07cv2100-DMS(AJB)
11)
Plaintiff,)
12) <u>AMENDED</u>
v.) EX PARTE MOTION TO APPOINT
13) UNITED STATES SECRET SERVICE
ONE 2006 BENTLEY FLYING SPUR) AS SUBSTITUTE CUSTODIAN
14 SEDAN, CALIFORNIA LICENSE)
NO. 5GAG721)
15 VIN SCBBR53WX6C036543,)
ITS TOOLS AND APPURTENANCES,)
16)
Defendant.)
17)

18 COMES NOW the Plaintiff, United States of America, and moves
 19 this Court, pursuant to General Order 273 issued by this Court,
 20 for an order appointing the **United States Secret Service** as
 21 substitute custodian of the above-described property upon
 22 execution of the warrant of arrest in rem. In support of this
 23 motion, Plaintiff states as follows:

24 1. The United States Secret Service presently has custody
 25 over the above-mentioned Defendant and maintains it in a facility
 26 or place which will ensure its continued preservation until this
 27 Court orders its disposal.

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1 2. Transfer to the United States Marshal following the
2 execution of the warrant of arrest in rem will result in
3 additional costs and expenses to the government and enhance the
4 potential for harm to the Defendant as a result of further
5 transporting and storing it in other facilities or places. Such
6 a transfer is unnecessary and not in the best interests of the
7 Plaintiff, who is desirous of minimizing the costs of this action.

8 3. Given the type of property that is subject to this
9 forfeiture action, appointment of the United States Secret Service
10 as a substitute custodian will also conserve the limited manpower
11 resources of the United States Marshals Service.

12 WHEREFORE, Plaintiff respectfully requests that this motion
13 be granted.

14 DATED: Nov. 6, 2007

15 KAREN P. HEWITT
16 United States Attorney

17 s/Bruce C. Smith

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19 Assistant U.S. Attorney
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